

## REMARKS

This Amendment is submitted in response to the final Office Action of October 21, 2008. Claims 1–21 are pending. Claims 1 and 16–21 are amended by this response. No new matter is submitted and support can be found at least in paragraphs [0044] and [0055] of the originally filed Specification. A Request for Continued Examination is submitted herewith.

### I Rejections Under 35 U.S.C. §101

The Office Action rejected Claims 1–21 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Office Action states, "...claim 1 does not recite the interface as being recorded on a computer-readable storage medium..." and therefore the Office Action interprets the apparatus as including functional descriptive material *per se* and being non-statutory. Applicant respectfully disagrees.

Claim 1 recites "A computer-readable storage medium having computer-executable instructions, that when executed on a computing system, perform steps comprising..." Thus, Claim 1 clearly recites computer-executable instructions stored on a computer-readable storage medium. Further, when executed, the computer-executable instructions perform the step of providing an interface for communication with a demultiplexer object which takes multiplexed multimedia data as input and outputs demultiplexed elementary media streams. For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are directed to statutory subject matter and are in condition for allowance.

### II Rejections Under 35 U.S.C. §103

The Office Action rejected Claims 1–6, 12, 15–16 and 18–19 under 35 U.S.C. §103 as being unpatentable in view of U.S. Patent No. 6,172,988 ("Tieman") in further view of U.S. Patent No. 5,835,591 ("Cochon") in further view of U.S. Patent No. 5,754,774 ("Bittinger"). The Office Action rejected Claims 7–11, 13–14, 17 and 20–21

Type of Response: AMENDMENT under 37 C.F.R. 1.113

Application Number: 10/635,730

Attorney Docket Number: 302132.01

Filing Date: August 6, 2003

under 35 U.S.C. §103 as being unpatentable in view of Tieman in further view of Cochon in still further view of Bittinger in even further view of U.S. Patent Application Publication No. 2001/0009548 ("Morris"). Applicant respectfully disagrees.

The Office Action states that Tieman discloses an Initialize method to configure the demultiplexer object; however, for support, the Office Action cites Column 5, lines 58–66, which state:

"...The system 10 includes an encoder 12 and a decoder 18 connected by a transmission path 28. The transmission path 28 can be any transmission facility, such as a fiber optic link or a satellite transmission uplink/downlink. Elementary streams 24 and control information 23 input to the encoder 12 are converted to a single output stream 34 and transmitted over path 28 to the decoder 18. The decoder 18 reconverts the output stream to the constituent elementary streams 32 and control information 31."

It is respectfully submitted that the above section of Tieman merely states that the system includes a decoder without specifying that the decoder includes a demultiplexer object or that an Initialize method can configure the demultiplexer object.

The Office Action acknowledges that Tieman does not disclose or suggest a SetPresentationDescriptor method to dynamically set an active presentation descriptor on the demultiplexer object. The Office Action states that this feature is disclosed by Cochon. Specifically, the Office Action cites Column 2, lines 20–26 and Column 7, lines 16–35 for this feature. However, these sections state, respectively:

"The data relative to an 'elementary data stream' are transported in PES ('packetized elementary data stream') packets . Each PES contains a data stream identifier ('data stream.sub.—id'). Each elementary data stream (audio, video or other) corresponds to a component of a programme. The elementary data streams of the same programme are multiplexed for transmission."

Type of Response: AMENDMENT under 37 C.F.R. 1.113  
Application Number: 10/635,730  
Attorney Docket Number: 302132.01  
Filing Date: August 6, 2003

And

“According to the present exemplary embodiment, up to nine data streams can be extracted. For example, these data streams are:

“programme association table stream (packets with PID #1)

“conditional access table stream (packets with PID #2)

“programme allocation section stream

“video stream

“audio stream

“Teletext stream

“rights of access management messages stream (EMM)

“rights of access check messages stream (ECM)

“programme guide stream

“The nine PID values are not specifically allocated by the demultiplexer.

The microcontroller selects the data streams by loading the PIDs into the destination memory. Only the transport packets identified by one of these nine PIDs are processed.”

It is respectfully submitted that the above sections do not disclose or suggest a SetPresentationDescriptor method to dynamically set an active presentation descriptor on the demultiplexer object. Further, no section of Cochon discloses or suggests a SetPresentationDescriptor method to dynamically set an active presentation descriptor on the demultiplexer object to a next pending presentation when an active presentation exists only if all output associated with the active presentation has been serviced, wherein if the SetPresentationDescriptor method is called attempting to set the active presentation descriptor to the next pending presentation when the active presentation exists and not all output associated with the active presentation has been serviced, the SetPresentationDescriptor indicates that the active presentation descriptor cannot be set

Type of Response: AMENDMENT under 37 C.F.R. 1.113

Application Number: 10/635,730

Attorney Docket Number: 302132.01

Filing Date: August 6, 2003

to the next pending presentation because not all output associated with the active presentation has been serviced.

Bittinger discloses flushing a multiplex virtual socket. However, like Tieman and Cochon, Bittinger does not disclose or suggest a SetPresentationDescriptor method to dynamically set an active presentation descriptor on the demultiplexer object to a next pending presentation when an active presentation exists only if all output associated with the active presentation has been serviced, wherein if the SetPresentationDescriptor method is called attempting to set the active presentation descriptor to the next pending presentation when the active presentation exists and not all output associated with the active presentation has been serviced, the SetPresentationDescriptor indicates that the active presentation descriptor cannot be set to the next pending presentation because not all output associated with the active presentation has been serviced.

For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are patentably distinguished from Tieman in view of Cochon in further view of Bittinger.

Morris discloses a digital video recorder that converts an input data stream having an MPEG-2 Transport Stream format into an output data stream having an MPEG-2 Program Stream (PS) format. The input data stream includes data of at least first and second elementary data streams formed and multiplexed in compliance with a TS decoder model. The first elementary stream is a video stream, while the second stream is an audio stream of lower data rate. The input stream is parsed and the elementary streams are demultiplexed into respective FIFO queues. Each stream is further parsed to obtain and calculate time stamp information which is queued separately with pointers to the stream data. The schedule and packetisation applied to the elementary streams in the input stream cannot be applied directly in creating the output stream. However, based on parameters and constraints imposed upon the input stream by the

Type of Response: AMENDMENT under 37 C.F.R. 1.113

Application Number: 10/635,730

Attorney Docket Number: 302132.01

Filing Date: August 6, 2003

MPEG or other specifications, a remultiplexer is able to reschedule and repacketise the elementary data streams into a valid output stream, without the size of buffer that would be required for multiplexing of the elementary streams from scratch.

However, like Tieman, Cochon and Bittinger, Morris does not disclose or suggest a SetPresentationDescriptor method to dynamically set an active presentation descriptor on the demultiplexer object to a next pending presentation when an active presentation exists only if all output associated with the active presentation has been serviced, wherein if the SetPresentationDescriptor method is called attempting to set the active presentation descriptor to the next pending presentation when the active presentation exists and not all output associated with the active presentation has been serviced, the SetPresentationDescriptor indicates that the active presentation descriptor cannot be set to the next pending presentation because not all output associated with the active presentation has been serviced.

For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are patently distinguished from Tieman in view of Cochon in further view of Bittinger in even further view of Morris.

### III M.P.E.P. §707.07(j)

M.P.E.P. §707.07(j) states:

“...If the examiner is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, the examiner may note in the Office action that certain aspects or features of the patentable invention have not been claimed and that if properly claimed such claims may be given favorable consideration...”

Applicants respectfully request that the Examiner make Applicants aware of any subject matter disclosed by the present application which the Examiner believes is

Type of Response: AMENDMENT under 37 C.F.R. 1.113

Application Number: 10/635,730

Attorney Docket Number: 302132.01

Filing Date: August 6, 2003

patentable. By doing so, the Examiner would help expedite prosecution by enabling Applicants to amend the present claims or draft new claims directed to such subject matter.

#### CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested. Based on the foregoing, Applicants respectfully requests that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

Type of Response: AMENDMENT under 37 C.F.R. 1.113  
Application Number: 10/635,730  
Attorney Docket Number: 302132.01  
Filing Date: August 6, 2003

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,  
Microsoft Corporation

Date: January 21, 2009 \_\_\_\_\_ By: /MacLane C. Key/ \_\_\_\_\_

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I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

January 21, 2009 \_\_\_\_\_ /Noemi Tovar/ \_\_\_\_\_  
Date Noemi Tovar

Type of Response: AMENDMENT under 37 C.F.R. 1.113  
Application Number: 10/635,730  
Attorney Docket Number: 302132.01  
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